



CL

Most Urgent
RTI Matter

Ministry of Defence
Department of Ex-Servicemen Welfare
D(WE)

Sub: Seeking information under RTI Act, 2005 in case of Shri Anirban Chakraborty- reg.

Please find enclosed online RTI application No. DEXSW/R/E/22/00891 dated 11.09.2022 sent by Sh. Anirban Chakraborty, 2 No. Motilal Colony, PO- Rajbari Colony, Kolkata, West Bengal-700081.

2. It is seen that the RTI applicant Sh. Anirban Chakraborty has submitted this RTI application seeking certain information. However, on perusal of the entire content of RTI application, it is found that only a few 'items' within it may be construed as **"information"**, while other **"items"** are akin to the ingredients of a complaint. While the definition of 'information' has been specifically given in sec 2(f) of RTI Act, 2005, definition of **'complaint'** (which is in public interest) is given in **Chapter III of Vigilance Manual 2021** under the subject **"complaint"**. It has been noticed that certain items of the content are information. A few such questions/ items are stated below:-

- a) Para 1(b) under Part 1 featuring the question "In which medical council is Dr. Abhijit Chatterjee registered".
- b) Para 1(c) under Part 1 featuring the question "provide the registration number of Dr. Abhijit Chatterjee"
- c) Para 3(e) of Part 3 featuring the question "In which medical council Dr. Sourav Sinha registered".

3. In a similar manner endeavour may be made to find out as to what are information in the RTI application under sec 2(f) of RTI Act, 2005. On the contrary, in Para 1(a) under Part 1, the RTI applicant requests to "provide certified copies of currently effective letters, orders, memorandum or whatever official ECHS's communication". The same may not be an information, as the terms 'effective' & 'whatever' etc are ambiguous/ superfluous. Hence it cannot be information within sec 2(f) of RTI Act, 2005.

4. In view of the above, CO, ECHS is requested to kindly go through the RTI Application and find out as to which are information within the scope of sec 2(f) of RTI Act, 2005 and as to which are ingredients of a complaint in public interest. Accordingly, the points of complaint can be segregated from the RTI queries. Accordingly detailed RTI reply can be made by CO, ECHS in accordance with provisions contained in RTI Act, 2005, so as to give proper reply and avoid any flak from CIC in future. In the instant case, the RTI applicant has asked information about others (i.e. 3rd party) such as registration of Dr. Abhijit Chatterjee and Sourav Sinha etc.

21 SEP 2022

RTI REQUEST DETAILS (आरटीआई अनुरोध विवरण)

But, sharing of the information about 3rd party is prohibited under section 8(1)(j) of RTI Act. CO, ECHS is therefore requested to analyze the entire content in accordance with provision under RTI Act, 2005 as well as documents/ records available with them. Also, a reply can be forwarded to the RTI applicant directly by CO, ECHS **under intimation to this office** after thoroughly scrutinizing the RTI Application & segregating the portion containing ingredients of complaint from RTI Application after identification of ingredients of complaint.

5. CO, ECHS is requested to dispose of the RTI Application latest by 23rd September 2022.

Encl: As above.

(NK Panda)
CPIO & Dy. Director to the Govt. of India
Tel:

1. MD ECHS
2. RTI Cell, Addl. DG AE,
MoD ID. No. 24(09)/2022-D(WE/Res-1)

Dated 20.09.2022

Central Org ECHS
Diary No. Q5
Date 21/09/22

Post	Sig.
MD	
Dy MD	
Dir (C&L)	
Jt Dir (C&L)	
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